

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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No. 14-I-468

IN THE MATTER OF:

YOGESH BIPIN PANCHOLI, M.D.
Applicant

**CONSENT ORDER
FOR THE ISSURANCE OF
MEDICAL LICENSE ON
PROBATION**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") concerning the application of Yogesh Bipin Pancholi, M.D. ("Dr. Pancholi") for issuance of a medical license in the state of Louisiana.

On his application for licensure Dr. Pancholi reported that he was the subject of previous Action in Rhode Island whereby his license to practice medicine was suspended in 2011. In addition, Dr. Pancholi's license to practice medicine in New York is inactive, but subject to a disciplinary Order in that state. Upon investigation it was learned that Dr. Pancholi has a history of a mood disorder and has previously suffered from the episodic use and abuse of cannabis which hampered his ability to practice medical with skill and safety to patients. He subsequently underwent treatment for these conditions and has been under successful monitoring for several years. In 2013 Rhode Island reinstated Dr. Pancholi's license to practice medicine and he transferred his monitoring to the Louisiana Physicians' Health Foundation of Louisiana Inc.'s Physicians' Health Program (the "PHP") where he has been successfully monitored for the last two years. He also underwent an assessment of his clinical competency and has been deemed competent to practice medicine.

As evidenced by his subscription to this Order, Dr. Pancholi acknowledges the substantial accuracy of the forgoing information and that such acknowledgment and the reported information would provide the Investigating Officer assigned to this matter by the Board with probable cause to pursue administrative proceedings against him for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285 (A) (29)¹, constituting sufficient cause for action against his license to practice medicine in the State of Louisiana. On the basis of apparently reliable information, however, the Board is persuaded that the condition from which Dr. Pancholi

¹ The Board may take action against the license of a physician as a result of La. Rev. Stat. §37:1285A: (29) 'The refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine in that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate';

suffers may be susceptible to effective medical treatment, resulting in the maintenance of his capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that he strictly observes and complies with appropriate restrictions on and conditions to maintenance of his medical license. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing his right to written notification of any charges that may be asserted against him as a result of this investigation, as well as the right to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951 et seq. Dr. Pancholi, nonetheless, hereby waives his rights to notice, formal adjudication and written decision and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Furthermore, Dr. Pancholi acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 et seq., or to which he otherwise may be afforded by any law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. Pancholi also hereby authorizes the I/O to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Pancholi expressly acknowledges that the disclosure of such information to the Board by the I/O shall be without prejudice to the I/O's authority to proceed with the filing and adjudication of any administrative charges that may subsequently be filed in this matter against him, or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Consent Order. Accordingly, in consideration of the forgoing and pursuant to the authority vested in the Board by La. Rev. Stat. §49:955(D);

IT IS ORDERED that a license to practice medicine in the state of Louisiana shall be issued to Yogesh Bipin Pancholi, M.D.

IT IS FURTHER ORDERED that the license of Yogesh Bipin Pancholi, M.D, to engage in the practice of medicine in the state of Louisiana, be and the same is hereby, placed **ON PROBATION**, for a period of three (3) years (the "probationary period") *provided, however*, that Dr. Pancholi's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms and conditions and restrictions:

- (1) **Maintenance of Complete Abstinence.** Dr. Pancholi shall maintain complete and total abstinence from the use of alcohol, controlled and any other mood-altering substance for as long as he holds a license to practice medicine in this state, except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition. Dr. Pancholi shall personally inform the PHP and the Board's

Compliance Officer, both orally and in writing, within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by him from any physician for treatment of a *bona fide* medical condition. If the prescription is from another physician, he shall also inform his treating/monitoring physician in this same manner.

(2) Continuing Treatment, Participation in the PHP/Reports to Board. *For as long as Dr. Pancholi holds a license to practice medicine in this state* he shall enter into and execute a monitoring agreement with the PHP. Dr. Pancholi shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring of his condition, which have or may be contained in his PHP monitoring agreement, or any subsequent agreement which may be recommended by the PHP, as well as those recommended by his treating physicians and those prescribed by any other health care provider involved in his care to the extent that they continue to follow him. Dr. Pancholi shall, in addition, authorize and cause his treating and monitoring physicians and/or the PHP to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports, should the Board desire the latter, on his then-current treatment, diagnosis, prognosis, course of treatment, maintenance of abstinence from controlled and mood-altering substances and his PHP monitoring agreement.

(3) Board Access to Treatment Records and Reports. Dr. Pancholi shall, and does by his subscription hereto, authorize any physician or any institution at which he undergoes treatment for alcohol or other chemical abuse or dependency from which he may suffer or be diagnosed, as well as any physician under whose care he may come at such an institution who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with copies of all medical reports relating to Dr. Pancholi's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Pancholi expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and shall immediately execute any authorization or release that may be necessary to permit the Board access to such records.

(4) Board Approval of Medical Practice. Following the effective date of this Order and for the duration of the probationary period, Dr. Pancholi shall provide the Board with information including a complete and accurate description, and such further information as the Board may request, concerning any practice setting in which Dr. Pancholi intends to practice medicine. Dr. Pancholi shall not engage in the practice of medicine in any practice setting in advance of the Board's specific written approval of such practice setting.

(5) Collaboration With Nurse Practitioners, Supervision of Physician Assistants Prohibited. During the probationary term, the Dr. Pancholi shall not enter into nor continue in a collaborative or supervisory practice agreement with a mid-level provider, *e.g.*, nurse practitioner or physician assistant. This restriction shall not preclude Dr. Pancholi from employing nurses or other medical personnel to assist in his

practice, as long as he is present and directing their activities appropriate to their level of expertise and ability.

(6) Continuing Medical Education. Dr. Pancholi shall obtain not less than fifty (50) credit hours per year for each of the three (3) years of his probationary period through attendance at and participation in continuing medical education ("CME") programs accredited by the American Medical Association. On or before the anniversary date of the effective date of this Consent Order, for each of the three (3) years, Dr. Pancholi shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

(7) Absence from the State/Practice/Effect on Probation. Should Dr. Pancholi at anytime during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician, for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which he was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed at the Board's discretion.

(8) Notification. Dr. Pancholi shall provide a complete copy of this Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state.

(9) Cooperation with Board's Probation and Compliance Officer. Dr. Pancholi shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Consent Order.

(10) Probation Monitoring Fee. For each year of the probationary period Dr. Pancholi shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(11) Effect of Violation/Sanction/Resolution. Dr. Pancholi acknowledges and stipulates that his receipt of written notification from the Board that it has received apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 et seq., or which otherwise may be afforded to him by law, constitute his irrevocable

consent to the immediate suspension of his license to practice medicine as a physician in this state.

(12) Certification of Compliance with Probationary Terms/Personal Appearance.

At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Pancholi shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order and he shall contact the Board and arrange for a personal appearance before the Board at its meeting preceding the expiration of his probationary period. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Pancholi's compliance with the requirements of this provision.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms and conditions set forth by this Order by Dr. Pancholi shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Pancholi's license to practice medicine in the State of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. § 37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 16 day of June 2014.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:



MARK H. DAWSON, M.D.
President

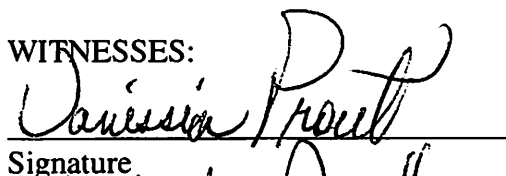
ACKNOWLEDGMENT
AND CONSENT

STATE OF LOUISIANA
PARISH OF ORLEANS

I, YOGESH BIPIN PANCHOLI, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 11th day of June, 2014.


YOGESH BIPIN PANCHOLI, M.D.

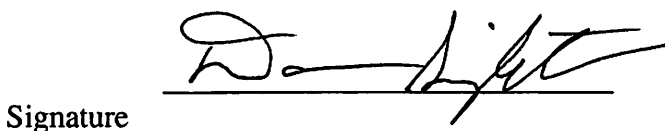
WITNESSES:


Signature

Vanissia Prout
Typed Name

LSBME
Address

City/State/Zip Code

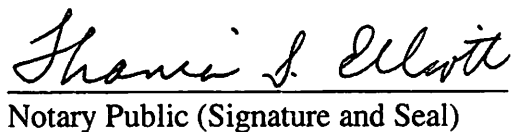

Signature

Darren Singleton
Typed Name

LSBME
Address

City/State/Zip Code

Sworn to and subscribed before me this 11th day of June, 2014, in the presence of the two stated witnesses.


Notary Public (Signature and Seal)

TITANIA S. ELLIOTT LA Bar # 20799
Printed Name/Notary or Bar Number